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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,247	11/02/2001	David Lahiri Bhatoolaul	15-29-7-12	2775

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Lucent Technologies Inc.  
Docket Administrator (Room 3J-219)  
101 Crawfords Corner Road  
Holmdel, NJ 07733-3030

EXAMINER
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NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/002,247

Applicant(s)

BHATOOLAUL ET AL.

Examiner

David Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,4,7-9 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4,7-9 and 13-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/12/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 2,4,7-9 and 13-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 2,7-8 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuki (US 6,366,792 B1) in view of Goetz et al. (US 6,349,204 B1).

Regarding claim 13, Katsuki discloses a radio telecommunications network including a base station and a battery operated user equipment (see fig. 1 and fig. 2), the user equipment comprising: means for monitoring actual battery charge level and for communicating said level to the base station (see fig. 2 and col. 4, lines 14-58 and col. 4, line 61 to col. 5, line 8); the base station also being configured to use the information specifying the size of the data file to be sent to determine whether there is sufficient battery charge available to receive the full data file (see fig. 2 and col. 4, lines 14-58 and col. 4, line 61 to col. 5, line 8), and if the battery charge is determined as not sufficient the base station does not send the data file (see fig. 2 and col. 4, lines 14-58 and col. 4, line 61 to col. 5, line 8). Katsuki does not mention a data store, means for

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monitoring the available data storage capacity and for communicating available storage capacity data to the base station, the base station being configured to receive information on the size of a data file to be sent to the user equipment, to determine whether or not the available data storage capacity of the user equipment is sufficient to receive the full data file, and if determined as not sufficient the base station does not send the data file. However, Goetz et al. discloses a data store, means for monitoring the available data storage capacity and for communicating available storage capacity data to the base station, the base station being configured to receive information on the size of a data file to be sent to the user equipment, to determine whether or not the available data storage capacity of the user equipment is sufficient to receive the full data file, and if determined as not sufficient the base station does not send the data file (see col. 4, lines 34-41; fig. 1; monitoring & control 6; col. 6, lines 4-14, lines 28-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide above teaching of Goetz to Katsuki so that files downloaded can be stored in the user's equipment to avoid re-downloading.

Regarding claim 14, Katsuki in view of Goetz et al. discloses a method of operating battery operated user equipment comprising a data store in a radio telecommunications network comprising a base station (see explanation in claim 13), the method comprising the steps of: the user equipment monitoring the available data storage capacity and communicating available storage capacity data to the base station (see explanation in claim 13), the user equipment monitoring actual battery charge level and communicating said level to the base station (see explanation in claim 13), the base station receiving information on the size of a data file to be sent to the user equipment, the base station determining whether or not the available data storage

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capacity of the user equipment is sufficient to receive the full data file, and if not sufficient the base station does not send the data file (see explanation in claim 13); the base station using the information specifying the size of the data file to be sent to determine whether there is sufficient battery charge available to receive the full data file, and if the battery charge is determined as not sufficient the base station does not send the data file (see explanation in claim 13); the base station sending the data file only if both the available data storage capacity and the battery charge are determined as sufficient (see explanation in claim 13).

Regarding claim 15, Katsuki in view of Goetz et al. discloses a radio telecommunications network comprising a base station configured to receive information from a battery-operated module terminal of available data storage capacity and battery charge level (see explanation in claim 13), the base station being configured to receive information on the size of a data file to be sent to the user equipment (see explanation in claim 13), to determine whether or not the available data storage capacity of the user equipment is sufficient to receive the full data file (see explanation in claim 13), and if determined as not sufficient the base station does not send the data file (see explanation in claim 13); the base station also being configured to use the information specifying the size of the data file to be sent to determine whether there is sufficient battery charge available to receive the full data file, and if the battery charge is determined as not sufficient the base station does not send the data file (see explanation in claim 13).

Regarding claim 16, Katsuki in view of Goetz et al. discloses a method of operating a radio telecommunications network comprising a base station, the method comprising the steps of: receiving information from a battery-operated mobile terminal of available data storage capacity and battery charge level (see explanation in claim 13); the base station receiving

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information on the size of a data file to be sent to the user equipment, determining whether or not the available data storage capacity of the user equipment is sufficient to receive the full data file (see explanation in claim 13), and if determined as not sufficient the base station does not send the data file (see explanation in claim 13); the base station using the information specifying the size of the data file to be sent to determine whether there is sufficient battery charge available to receive the full data file (see explanation in claim 13), and if the battery charge is determined as not sufficient the base station does not send the data file (see explanation in claim 13); the base station sending the data file only if both the available data storage capacity and the battery charge are determined as sufficient (see explanation in claim 13).

Regarding claims 2 and 7-8, Katsuki in view of Goetz et al. also discloses including a data store and means for configuring the equipment to receive files automatically and store them in the data store, or to retrieve files from the data store and transmit them, without activating any sounder or vibrator for alerting the user (see col. 4, lines 34-41; fig. 1; monitoring & control 6; col. 6, lines 4-14, lines 28-32 of Goetz); monitoring the available data storage capacity of the data store and for communicating available storage capacity data to the base station during call set up (see col. 4, lines 34-41; fig. 1; monitoring & control 6; col. 6, lines 4-14, lines 28-32 of Goetz).

3. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuki (US 6,366,792 B1) in view of Goetz et al. (US 6,349,204 B1) and further in view of Brown et al. (US 6,185,423 B1).

Regarding claims 4 and 9, the battery operated user equipment for use in a radio telecommunications network of Katsuki in view of Goetz et al. does not disclose means for estimating which one of a plurality of available physical channels would best conserve battery charge, and for signaling the identity of that channel to the base station during call set up.

However, Brown et al. discloses means for estimating which one of a plurality of available physical channels would best conserve battery charge, and for signaling the identity of that channel to the base station during call set up (see col. 3, lines 25-44 and fig. 1; sorting a list of available channels based on signal strength to save power battery).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide above teaching of Brown et al. to the method of Katsuki in view of Goetz et al in order to save power and increase device battery life.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844.

The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*DN*

David Nguyen

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER